



15 SEP 2006

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In re Application of	:	
GROKE, et al.	:	
Application No.: 10/536,777	:	
PCT No.: PCT/EP03/50712	:	DECISION ON PAPERS
Int. Filing Date: 13 October 2003	:	
Priority Date: 27 November 2002	:	UNDER 37 CFR 1.42
Attorney Docket No.: 23304	:	
For: AGENT HAVING A DESTRUCTIVE	:	
EFFECT ON MALIGNANT TUMORS	:	
AND PRODUCTION THEREOF	:	

This decision is in response to the applicant's "Renewed Petition Under 37 C.F.R. 1.42" filed 07 September 2006 in the United States Patent and Trademark Office (USPTO). No petition fee is due.

### **BACKGROUND**

On 07 July 2006, applicant was mailed a decision dismissing applicant's request for status pursuant to 37 CFR 1.42. Applicant was afforded two months to file any request for reconsideration.

On 07 September 2006, applicant filed the response considered herein.

### **DISCUSSION**

As detailed in the 07 July 2006 decision, 37 CFR 1.42 When the Inventor is Dead, states, in part:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Applicant's originally filed declaration was held to be non-compliant as it did provide the citizenship, residence, and mailing address of both the deceased inventor and all of the signing heirs. Applicant has presently provided newly executed declarations which provide all of the required information and therefore it is appropriate to grant applicant's renewed petition at this time.

**CONCLUSION**

Applicant's renewed request for status under 37 CFR 1.42 is **GRANTED**.

This application has an international application filing date of 13 October 2003 and will be given a date of **07 September 2006** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision.



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